

REMARKS/ARGUMENTS

Claims 65, 68, 72-74, 77, 79, 80, 82, 83, 86, 87, 91, 92, 94, 95, 98, 99, 101, 103-112 were previously pending. As noted above, claim 74 has been amended to include the subject matter of allowable claim 77, and claim 77 has been canceled. Support for this amendment may be found throughout the Specification.¹ Thus, claims 65, 68, 72-74, 79, 80, 82, 83, 86, 87, 91, 92, 94, 98, 99, 101 and 103-112 are now pending.

Applicants respectfully request reconsideration of this application based on the following remarks.

Comment on Response To Arguments

Applicants believe the Office Action, at page 2, paragraph 1, meant to refer to the allowable subject matter of claim 77 in stating that “pending claim 74 does not include allowable subject matter of claim 74.” Applicants believe the Office Action wording is a typographical error, initially because a claim may not depend from itself, and because the present Office Action currently indicates in the Allowable Subject Matter section on page 2 that claim 77 includes allowable subject matter. Accordingly, Applicants have amended claim 74 to include the allowable subject matter from claim 77.

Comment on Inconsistencies between Pending Claims and Claims identified in the Office Action

Applicants note that the claims referenced in the Office Action do not match with the pending claims.

In particular, claims 95 and 100 were rejected in the 35 USC § 102(a) rejection, however, these claims were previously canceled.

Further, Applicants note that claims 108-112 were not addressed in the Office Action. Applicants respectfully submit that claims 108-111 should be indicated as being allowed as they depend from allowed claims 65 or 80. Further, claim 112 should be indicated as being allowable, as claim 112 depends from claim 92, which the Applicants believe is allowable as discussed in more detail below.

¹ See, e.g., Specification, and previously presented claim 77.

Allowable Subject Matter

Applicants note with appreciation that claims 65, 68, 72, 79, 80, 82, 83, 86, 87, 91 and 103-107 have been indicated as allowed.

Further, Applicants appreciate the indication that claim 77 would be allowable if rewritten in independent form including all of the limitations of the base claim and their intervening claims. Claim 74, which is the base claim corresponding to claim 77, has been amended to incorporate the subject matter recited in claim 77.

Therefore, Applicants respectfully request amended claim 74 and claim 73, which depends from claim 74, be allowed.

Additionally, Applicants request that claims 108-111 be indicated as being allowed, as claims 108-111 depend from either allowed claim 65 or allowed claim 80.

Claim Rejections – 35 USC § 102

Claims 73, 74, 92, 95 and 100 and 101 are rejected under 35 USC § 102(a) as being anticipated by Sato et al. (US Patent No. 7,254,409). Applicants traverse the rejection for at least the following reasons.

As noted above, claims 95 and 100 were previously canceled, and thus their rejection is moot.

Further, claim 74 has been amended to include the subject matter of claim 77, which was indicated as being allowable. Accordingly, claim 74 is now allowable. Further, claim 73 depends from claim 74, and thus is also allowable for at least the same reasons. Thus the rejection is now moot with respect to claims 74 and claim 73.

Additionally, claim 92 recites that “the first service ID comprises a first BCMCS_ID and wherein the second service ID comprises a second BCMCS_ID, and wherein an IP multicast address and UDP port number are associated with the first BCMCS_ID.” This subject matter was indicated as allowable when recited in previously presented claims 71 and 76. As such, claim 92 should be allowable for at least the same reasons.

Moreover, claim 92 recites in part, a first and second “service ID [that] uniquely identifies a broadcast service among one or more broadcast services from a content server on a common radio channel.” The Official Action asserts the above recited subject matter is disclosed by Sato and cites Fig. 25, column 28, lines 16-39, and column 29 lines 41-67 as

support. Applicants respectfully disagree.

Contrary to the assertions in the Official Action, the above cited text neither discloses nor suggests a first and second “service ID [that] uniquely identifies a broadcast service among one or more broadcast services from a content server on a common radio channel” as recited in amended claim 92. The cited passages in Sato are silent with respect to identifying different broadcast services *from a content server on a common radio channel*. To the contrary, Sato discloses:

The radio channel number on third column is information identifying radio channels, such as...[carrier] frequencies, radio slots, and spread codes, used for distribution of the multicast data identified by the program names on second column. *The particular radio channel number is related with each radio channel.*

See, Sato, column 28, lines 40-45 (Emphasis Added).

As the above referenced passage indicates, the cited reference discloses identification of multicast data being distributed over multiple radio channels. By contrast, claim 92 recites service ID’s describing services from a content server on *a common radio channel*. Thus, claim 92 is neither disclosed nor suggested by the cited reference.

Claim 101 depends from claim 92, and thus is allowable for at least the same reasons.

Moreover, although claim 112 was not addressed in the Office Action, Applicants believe claim 112 is allowable for at least the same reasons as discussed above, as claim 112 depends from claim 92, as well as for the combination of subject matter recited therein.

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 73, 74, 92, 95 and 100 and 101 under 35 USC § 102(a) as being anticipated by Sato.

Claim Rejections – 35 USC § 103

Claims 94, 98, 99 and 101 are rejected under 35 USC § 103(a) as being obvious over Sato et al. (U.S. Patent No. 7,254,409) in view of Chang et al. (US Publication No. 2002/10102967). Claims 94, 98, 99 and 101 depend from claim 92, which is allowable over Sato, as noted above. Additionally, claim 112, which was not discussed in the Office Action, is also allowable as it depends from claim 92. The addition of Chang fails to cure the deficiencies of Sato. As a corollary, any modification of Sato by the teachings of Chang fails to disclose or suggest the subject matter recited in the claims. Thus, for at least the same reasons as claim 92,

claims 94, 98, 99 and 101 (and 112) are also allowable.

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 94, 98, 99 and 101 under 35 USC § 103(a).

CONCLUSION

In light of these remarks, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: July 27, 2010

By: /Darren M. Simon, Reg. No. 47,946/
Darren M. Simon, Reg. No. 47,946
Direct: 858.845.2472
e-mail: dsimon@qualcomm.com

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714